

## REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action dated October 10, 2003. Claims 2-6 are currently pending. As indicated above, Claims 4-6 have been amended, and Claim 1 has been canceled without prejudice.

In the Office Action, Claims 1-6 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,466,563 ("*Yamada*") in view of Admitted Prior Art. In addition, the Examiner has objected to the specification and Claims 1 and 4-6.

With regard to the specification, the Examiner has objected to the heading "Background of the Invention". More specifically, the Examiner asserts that this heading should be moved from page 1, line 11 of the specification to page 1, line 18. It is respectfully submitted that the Examiner is incorrect. The heading "Background of the Invention" and its location on page 1 is consistent with common patent practice as is evidenced in the Examiner's art of record, more specifically, *Miya et al.* (U.S. 6,330,223 B1) and *Pehkonen et al.* (U.S. 6,266,321 B1). Accordingly, it is respectfully submitted that no amendment to the specification is necessary and it is respectfully requested that the Examiner's objection to the specification be withdrawn.

With regard to the objected claims, more specifically, Claims 1 and 4-6, the Examiner asserts that the acronyms "DPCCH", "DPDCCH", "TFCI", and "FBI" must be spelled out. As indicated above, Claims 4-6 have been amended to spell out the acronyms "DPCCH", "DPDCCH", "TFCI", and "FBI", respectfully, and Claim 1 has been cancelled. Therefore, it is respectfully requested that the objection to Claims 1 and 4-6 be withdrawn.

As indicated above, independent Claims 1, 2, and 5 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Yamada* in view of the Admitted Prior Art. Regarding Claim 1, as indicated above, Claim 1 has been cancelled without prejudice. Therefore, it is respectfully submitted that this rejection is moot.

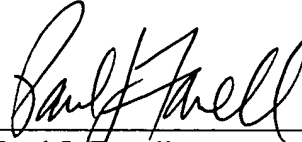
Regarding Claim 2, the Examiner asserts that *Yamada* teaches all the recitations of Claim 2 except for a method for transmitting control information in a mobile station of a mobile communication system which transmits control information filled in a frame on a dedicated control channel, the frame being divided into a plurality of slots, which the Examiner asserts is disclosed in the Admitted Prior Art (FIGs. 1-5, and page 1, line 20 to page 10, line 5). Regarding Claim 5, the Examiner makes similar arguments as the rejection of Claim 2, including that *Yamada* teaches a switch (element 309 in FIG. 3) for gating a signal on the dedicated control channel. However, it is respectfully submitted that neither this section of *Yamada* nor any other section teaches gating a signal on the dedicated control channel. More specifically, *Yamada* is directed to a feature for existence/non-existence of data, while Claims 2 and 5 recite a feature of gating control data information transmitted via a dedicated physical control channel in a system where channels are divided into a dedicated physical control channel and a dedicated physical data channel. Further, it is respectfully submitted that this deficiency is not cured by any of the Examiner's alleged admitted prior art. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 2 and 5, and it is respectfully requested that the rejection of Claims 2 and 5 be withdrawn.

Additionally, in the rejections, the Examiner has cited the Admitted Prior Art of the specification as teaching many of the elements of the pending claims. Specifically, the Examiner cites FIGs. 1-5. However, FIGs. 4A-4B are clearly not prior art.

As independent Claims 2 and 5 are now believed to be in condition for allowance, it is respectfully submitted that dependent Claims 3-4 and 6 are also in condition for allowance as being dependent upon independent Claims 2 and 5, respectively.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely Claims 2-6, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

**DILWORTH & BARRESE, LLP**

333 Earle Ovington Blvd.

Uniondale, New York 11553

Tel: (516) 228-8484

Fax: (516) 228-8516

PJF/DMO/lah